

## REMARKS

The application has been reviewed in light of the Advisory Action dated May 13, 2003, and Office Action dated January 29, 2003. Claims 1-5 remain pending in the Application.

In the Office Action, Claims 1 and 2 were rejected under 35 U.S.C. 102(e) as anticipated *Jonsson et al.* (U.S. 6,385,585), Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Jonsson* in view of *Makela et al.* (U.S. 6,301,338), and Claims 4-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Jonsson* in view of *Svensson* (U.S. 6,301,338).

In rejecting independent Claim 1, the Examiner points in particular to col. 10, lines 32-35 of *Jonsson* as disclosing transmitting the written character message "in character format" via the established speech path, as is disclosed in independent Claim 1 of the present application. However, it is respectfully submitted that this cited portion of *Jonsson* fails to show this aspect of Claim 1. Col. 10, lines 32-35 of *Jonsson* merely state "[i]n yet another exemplary application of the invention, the channel can be used to transfer information, like short messages or alert messages, to the terminal on the voice band". Thus, *Jonsson* does not state that such a short message or alert message is transmitted "in character format". In addition, the prior description of Figs. 5A and 5B in cols. 9 and 10 of *Jonsson* makes clear that such a short message and/or alert message would first be transformed to a formant frequency before being

transmitted over the voice band. (See, col. 9, lines 29-34, and 62-67) The subsequent description of Fig. 6 (at col. 11, lines 4-16) also makes clear that symbols are first converted to formant frequencies before transmission over the voice band. Column 5, lines 19-22 of *Jonsson* clearly recite "[a]t the receiver side, the received formant frequency (or combination of formant frequencies) is then changed back to the corresponding digital information by means of a reverse mapping process." Therefore, it is respectfully submitted that *Jonsson* does not disclose transmitting the written character message "in character format", as recited in claim 1 of the present application.

Additionally, in the Advisory Action dated May 13, 2003, the Examiner asserts that "formant (the arrangement of bits or characters with a group such as a word) frequencies" read on transmitting "in character format," as recited in Claim 1 of the present application. However, "formant" is defined in the Merriam-Webster dictionary as: a characteristic component of the quality of a speech sound; *specifically*: any of several resonance bands held to determine the phonetic quality of a vowel. In addition, we can find no section in *Jonsson* that supports the Examiner's interpretation of formant as being "the arrangement of bits or characters with a group such as a word". Therefore, it is respectfully submitted that transmitting "formant frequencies" does not read on "transmitting the written message in character format" as recited by the Examiner.

Accordingly, it is respectfully submitted that *Jonsson* fails to teach or suggest all of the recitations of independent Claim 1. Thus, for at least the reasons given above, it is respectfully requested that the Examiner withdraw the rejection of Claim 1, and it is respectfully submitted that independent Claim 1 is in condition for allowance.

As indicated above, independent Claim 5 was rejected under 35 U.S.C. 103(a) based on the combination of *Jonsson* and *Svensson*. However, analogous to independent Claim 1, it is respectfully submitted that *Jonsson* does not show "receiving a character message in character format from the mobile communication terminal of the other party via the speech path", as recited in Claim 5. In addition, it is respectfully submitted that *Svensson* is also silent on this recitation of independent Claim 5.

Accordingly, without conceding that the combination of *Jonsson* and *Svensson* is proper, for at least this reason, it is respectfully submitted that the combination of *Jonsson* and *Svensson* fails to describe all of the recitations of Claim 5. Thus, it is respectfully submitted that *Jonsson* and *Svensson* fail to render Claim 5 obvious for at least this reason. Reconsideration and allowance of Claim 5 is also respectfully requested.

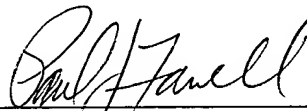
Without conceding the patentability per se of dependent Claims 2-4, it is submitted that Claims 2-4 are allowable at least by virtue of their dependencies on independent Claim 1. Reconsideration and allowance of Claims 2-4 is also respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all pending claims, namely Claims 1-5, are in condition for allowance. Early and favorable consideration and allowance of Claims 1-5 is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, the Examiner is respectfully requested to phone applicants' attorney at the number indicated below.

Respectfully submitted,

DILWORTH & BARRESE, LLP

By:



Paul J. Farrell  
Registration No. 33,494  
Attorney for Applicant

DILWORTH & BARRESE, LLP  
333 Earle Ovington Boulevard  
Uniondale, New York 11553  
(516) 228-8484  
(516) 228-8516 (FAX)  
PJF/DMO/lah